

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAVIER MONGE,

Plaintiff,

-against-

SOO-IL KOH, DAVID KOH, KYONG-SIL KOH,  
and BRIAD WENCO L.L.C.,  
Defendants.

MEMORANDUM AND ORDER

09-CV-4456 (KAM) (JO)

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**MATSUMOTO, United States District Judge:**

Presently before the court is a Report and Recommendation issued by Magistrate Judge James Orenstein on July 8, 2010, recommending that the court dismiss plaintiff's claims against defendants Soo-Il Koh, David Koh and Kyong-Sil Koh ("the Kohs") without prejudice pursuant to Federal Rule of Civil Procedure 4(m).<sup>1</sup>

Notice of the Report and Recommendation was sent electronically to the parties appearing on the docket via the court's electronic filing system on July 8, 2010. As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed by July 29, 2010. (Doc. No. 13, Report and Recommendation at 3.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Orenstein's Report and

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<sup>1</sup> The plaintiff and fourth defendant, Briad Wenco L.L.C. ("Briad Wenco"), entered into a stipulation of dismissal, which was so ordered by this court on August 3, 2010, dismissing all claims against Briad Wenco. (Doc. Nos. 14, 15.)

Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Orenstein's well-reasoned recommendations, the court finds no clear error in Magistrate Judge Orenstein's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

As the plaintiff has dismissed all claims against the remaining defendant, Briad Wenco, there are no claims pending against any defendant in this case. The Clerk of the Court is respectfully ordered to enter judgment dismissing the claims against defendants Soo-Il Koh, David Koh and Kyong-Sil Koh without prejudice in accordance with Magistrate Judge Orenstein's

Report and Recommendation and to close this case.

**SO ORDERED.**

Dated: August 23, 2010  
Brooklyn, New York

/s/  
Kiyo A. Matsumoto  
United States District Judge